

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Yolexis Rodriguez	Team: Squad #11	CCRB Case #: 201900388	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/10/2019 9:20 PM	Location of Incident: [REDACTED]	Precinct: 40	18 Mo. SOL 7/10/2020	EO SOL 2/24/2021	
Date/Time CV Reported Mon, 01/14/2019 3:41 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/14/2019 3:41 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Iran Lopezmaceda	01652	928666	SRG 2
2. An officer			SRG 2

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Joseph Petrino	22377	951051	SRG 2
2. POM Luis Franco	08088	948986	SRG 2
3. POM Robert Picarello	09028	951055	SRG 2
4. POM Ruben Tengco	02476	931313	SRG 2

Officer(s)	Allegation	Investigator Recommendation
A.SGT Iran Lopezmaceda	Abuse: Sergeant Iran Lopezmaceda questioned § 87(2)(b) [REDACTED]	[REDACTED]
B.SGT Iran Lopezmaceda	Abuse: Sergeant Iran Lopezmaceda searched the vehicle in which § 87(2)(b) [REDACTED] was an occupant.	[REDACTED]
C. An officer	Abuse: An officer searched the vehicle in which § 87(2)(b) [REDACTED] was an occupant.	[REDACTED]

Case Summary

§ 87(2)(b) filed the following complaint with the CCRB via phone on January 14, 2019.

On January 10, 2019, at approximately 9:20p.m., § 87(2)(b) was stopped by a police vehicle at § 87(2)(b) in the Bronx. Sgt. Iran Lopezmaceda of Strategic Response Group 2 (SRG 2) approached § 87(2)(b)'s vehicle and asked § 87(2)(b) if he had anything on him, which § 87(2)(b) interpreted as a reference to weapons (**Allegation A – Abuse of Authority**, § 87(2)(g)). § 87(2)(b) said no, he did not have any weapons in his vehicle.

PO Joseph Petrino and PO Luis Franco, also of SRG 2, instructed § 87(2)(b) to exit his vehicle. § 87(2)(b) opened his driver's side door. While § 87(2)(b) stepped out of his vehicle, PO Petrino and PO Franco each grabbed § 87(2)(b) by an arm and led him to the rear of his vehicle. No force was used to remove § 87(2)(b) from the vehicle. Sgt. Lopezmaceda proceeded to enter the driver's side of the vehicle and looked around the driver's seat area of the vehicle (**Allegation B – Abuse of Authority**, § 87(2)(g)). One of the remaining officers, either PO Petrino or PO Franco, allegedly entered their head in the passenger side of the vehicle (**Allegation C – Abuse of Authority**, § 87(2)(g)). § 87(2)(b) was issued two summonses by PO Petrino for reckless driving and unsafely changing lanes.

There is no existing video footage of the alleged incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Iran Lopezmaceda questioned § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on January 16, 2019 [**Board Review 01**]. He testified that he was asked by an officer for his license, registration and car keys. § 87(2)(b) complied and provided this documentation, though the car keys were still in the ignition. § 87(2)(b) was told to lower the front passenger side window but could not do so because the vehicle was turned off. § 87(2)(b) was trying to turn his vehicle on so that he could put it in park and turn it off. After turning on his vehicle, § 87(2)(b) put it in park and removed his hand from the ignition while the keys were still in the ignition. § 87(2)(b) was then asked by an officer if he had anything on him, which he interpreted as a reference to weapons. § 87(2)(b) did not have any weapons in his vehicle.

Sgt. Lopezmaceda was interviewed at the CCRB on April 4, 2019 [**Board Review 03**]. He testified that he observed that § 87(2)(b)'s vehicle had tinted windows and that § 87(2)(b) did not immediately lower his driver's side window when PO Franco and PO Petrino approached the driver's side of the vehicle. After PO Franco and PO Petrino explained to § 87(2)(b) why he was being stopped, they asked § 87(2)(b) for his license and registration repeatedly. § 87(2)(b) presented his driver's license from inside the vehicle without lowering his window. At an unspecified time, § 87(2)(b) lowered the front driver's side window partially. While the officers were speaking to him, § 87(2)(b) repeatedly changed gears from park to drive though the officers repeatedly asked him to stop. Sgt. Lopezmaceda observed the vehicle move slightly when § 87(2)(b) was changing gears.

According to Sgt. Lopezmaceda and PO Franco, § 87(2)(b) was uncooperative, initially refusing to provide his driver's license and registration after being asked for the documents repeatedly. While § 87(2)(b) was seated in his vehicle, Sgt. Lopezmaceda, PO

Franco and PO Petrino observed him reach between the driver's seat and the center console several times despite being issued commands to stop moving [Board Review 02, 03, 06]. § 87(2)(b) continued to ignore commands to keep his hands visible until he was removed and escorted to the rear of his vehicle. Sgt. Lopezmaceda acknowledged that he asked § 87(2)(b) if he had anything on him when § 87(2)(b) was escorted to the rear of his vehicle [Board Review 03]. § 87(2)(b) said no.

§ 87(2)(b), § 87(2)(g)

Allegation (B): Sergeant Iran Lopezmaceda searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that after being instructed to exit his vehicle he complied [Board Review 01]. He was then escorted to the rear of his vehicle, where he was handcuffed by PO Petrino and PO Franco. An officer entered the driver's seat and looked around, though § 87(2)(b)'s back was to his vehicle at this time. § 87(2)(b) was unsure which of the officers entered his vehicle. § 87(2)(b) was unable to hear if anything in his vehicle was opened. When he returned to his vehicle following the interaction, nothing was out of place or broken.

Sgt. Lopezmaceda acknowledged that he entered the driver's seat as § 87(2)(b) was standing at the rear of his vehicle [Board Review 03]. Sgt. Lopezmaceda shined his flashlight in the area between the driver's seat and center console to see if there was anything in the space and nothing was found. Sgt. Lopezmaceda did not open any compartments or look elsewhere in the vehicle.

§ 87(2)(b), § 87(2)(g)

Allegation (C): An officer searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that either PO Petrino or PO Franco entered his head in the front passenger seat of the vehicle while he was standing at the rear of the vehicle [Board Review 01]. This officer searched the front passenger and driver seats quickly. § 87(2)(b) believed the officer was one of two: the first he described as a white male, 6'1" tall, in his 20s with a slim build, light complexion and wearing a uniform, a ski mask and a navy blue vest, or the second who he described as a white male 6' tall, in his 20s with a muscular build, a light complexion and wearing a uniform, a ski mask and a navy blue vest.

PO Petrino was interviewed at the CCRB on March 27, 2019, and testified that he did not enter or search § 87(2)(b)'s vehicle [Board Review 06]. PO Franco was interviewed at the CCRB on April 4, 2019, and testified that he did not enter or search § 87(2)(b)'s vehicle [Board Review 02]. Sgt. Lopezmaceda testified that PO Petrino and PO Franco returned to their

police vehicle to run driver's license and license plate checks after § 87(2)(b) was handcuffed [Board Review 03].

On March 6, 2019, § 87(2)(b) was contacted to schedule a photo array viewing; § 87(2)(b) did not wish to appear at the CCRB [Board Review 07]. Additional attempts to schedule a photo array viewing in the field were unsuccessful. § 87(2)(b)'s statement and officer testimony did not include sufficient information to identify the subject officer. § 87(2)(b). § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- Sgt. Iran Lopezmaceda has been a member of service for 17 years and has no other open allegations against him.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined mediation.
- On April 12, 2019, a Notice of Claim request was submitted to the New York City Comptroller's Office and has been added to the case file.
- § 87(2)(b)

Squad No.: _____ 11 _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date